



February 22, 2002

Mr. Anthony S. Corbett  
Winstead  
100 Congress Avenue, Suite 800  
Austin, Texas 78701

OR2002-0852

Dear Mr. Corbett:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 158977.

Brushy Creek Municipal Utility District (the "district"), which you represent, received a request for a copy of the requestor's instant request and all requests under the Public Information Act received by the district since November 1, 2001, including "all the information available which has become associated with the requests after receipt by the [district]." You advise that you are releasing some information responsive to the request. You state that the remaining requested information consists of all of the information previously submitted to this office for decisions on whether it is excepted from required public disclosure. You incorporate by reference your arguments that the information is excepted under various provisions of the Government Code.

You reference the identification numbers assigned by this office to the previous relevant requests. In each case, a ruling has now been made with respect to the information at issue. In Open Records Letter No. 2002-0379 (2002) (assigned as number 157737), we determined that some of the requested information may be withheld under sections 552.107 and 552.111, and that some must be withheld under section 552.137. The district's request for a ruling assigned as number 158038 was subsequently withdrawn, as acknowledged by a letter from this office dated January 25, 2002. In Open Records Letter No. 2002-0473 (2002) (assigned as number 158044), we again determined that some of the requested information may be withheld under sections 552.107 and 552.111, and that some must be withheld under section 552.137. In Open Records Letter No. 2002-0481 (2002) (assigned as

number 158318), we concluded that the requested information may be withheld under section 552.107. In Open Records Letter No. 2002-0685 (2002) (assigned as number 158591), we ruled that some of the requested information may be withheld under section 552.103. We note that an additional request for a ruling from the district has been received by this office (assigned as number 158799), and a ruling was issued as Open Records Letter No. 2002-0816 (2002). In that ruling, we determined that the district must withhold some of the requested information under section 552.137. Finally, one more request for a decision has been received by this office from the district as of the date of this ruling. That request has been assigned number 159173, but no ruling has yet been made regarding the release of the requested information.

You must refer to the above-referenced rulings from this office in responding to the instant request for information. The district must release the requested information to the requestor in accordance with those rulings.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

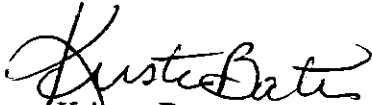
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Kristen Bates  
Assistant Attorney General  
Open Records Division

KAB/seg

Ref: ID# 158977

Enc. Submitted documents

c: Mr. John C. McLemore  
8400 Cornerwood Drive  
Austin, Texas 78717  
(w/o enclosures)